

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DRYWALL TAPERS AND POINTERS OF
GREATER NEW YORK LOCAL UNION
1974, IUPAT, AFL-CIO,

Petitioner,

-v-

No. 18-CV-1100-LTS

CEI CONTRACTORS, INC.,

Respondent.

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ORDER

Petitioner Drywall Tapers and Pointers of Greater New York Local Union 1974, IUPAT, AFL-CIO (“Petitioner” or “Union”) filed a petition (Docket Entry No. 1, the “Petition”) to confirm an arbitration award in the amount of \$3,172.43 against Respondent CEI Contractors, Inc., for failure to remit benefit fund contributions to a certain Union member in accordance with the parties’ collective bargaining agreement (Affirmation of Lauren M. Kugielska, Exhibit B, Docket Entry No. 23-2). The award, which is undated, was issued following an October 17, 2017, arbitration hearing. (Petition Ex. A, the “Award.”) On November 14, 2018, Petitioner filed a motion for summary judgment seeking to confirm the Award. (Docket Entry No. 22.) Although Respondent was properly served with all applicable filings, Respondent has neither opposed Petitioner’s motion, nor otherwise appeared in this case.

The Court has reviewed carefully the Petition and supporting materials and concludes that there is no genuine issue of material fact precluding summary judgment as to all portions of the Award, as there is “more than a barely colorable justification for the outcome reached.” Drywall Tapers & Pointers of Greater New York Local Union 1974, IUPAT, AFL-

CIO v. Falcon & Son Corp., 2017 WL 6729298, at *1 (S.D.N.Y. Dec. 28, 2017) (internal quotation marks omitted). The Court further concludes that Petitioner's submission does not present a justification for vacating the Award under either Section 10 or 11 of the Federal Arbitration Act. See Ottley v. Schwartzberg, 819 F.2d 373, 375 (2d Cir. 1987). Therefore, as Petitioner has established that it is entitled to relief, the Court grants Petitioner's motion for summary judgment.

Docket Entry No. 22 is resolved. The Award is hereby confirmed. The Clerk of Court is respectfully requested to enter judgment in favor of Petitioner in the amount of \$3,172.43, plus simple interest at the rates prescribed by 28 U.S.C. § 1961 from April 27, 2017, through the date of this Order, for a total of \$3,311.31, and close this case.

SO ORDERED.

Dated: New York, New York
December 12, 2018

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge